

KPMc
Visalia, CA

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DYCORA TRANSITIONAL HEALTH & LIVING d/b/a
KAWEAH MANOR

and

Cases 32-CA-206624
32-CA-210419

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 2015

ORDER APPROVING STIPULATION, GRANTING MOTION,
AND TRANSFERRING PROCEEDING TO THE BOARD

This matter comes before the National Labor Relations Board upon the joint motion of Respondent Dycora Transitional Health & Living d/b/a Kaweah Manor, Charging Party Service Employees International Union, Local 2015, and the General Counsel to waive a hearing and decision by an administrative law judge and to transfer the proceeding to the Board for a decision based on the stipulated record.

On December 18, 2017, the General Counsel, through the Acting Regional Director for Region 32, issued a consolidated complaint and notice of hearing, amended February 12, 2018, alleging that since about September 12, 2017, the Respondent withdrew recognition of the Union as the exclusive collective-bargaining representative of the Respondent's Licensed Vocational Nurses (LVN unit) or, in the alternative, has failed and refused to recognize the Union as the exclusive collective-bargaining representative of the LVN unit. In addition, the complaint, as amended, alleges that since about August 28, 2017, the Respondent has failed and refused to provide the Union with information requested by it that is necessary for and relevant to the Union's performance of its duties as the exclusive collective-bargaining representative of the

LVN unit. The complaint, as amended, alleges that, by the foregoing conduct, the Respondent has violated Section 8(a)(5) and (1) of the Act.

On March 9, 2018, the parties filed a joint motion and a stipulation of facts to the Board. Pursuant to Section 102.35(a)(9) of the Board's Rules and Regulations, the parties have waived a hearing before an administrative law judge and agreed to submit the record in this case directly to the Board for findings of fact, conclusions of law, and a Decision and Order. The parties have requested that the Board set a time for the filing of briefs.¹

The Board having considered the matter,

IT IS ORDERED that the Joint Motion is granted and the case is transferred to and continued before the Board in Washington, D.C., for the purpose of issuing findings of fact, conclusions of law, and a Decision and Order.

IT IS FURTHER ORDERED that the stipulated record, which consists of the Joint Motion and Joint Stipulation of Facts, which includes all Joint Exhibits; the statement of Issues Presented, and each party's Statement of Position, is approved and made part of the record.

The parties may file initial briefs with the Board in Washington, D.C. on or before May 24, 2018, and answering briefs within 14 days thereafter in accordance with Section 102.35(a)(9) of the Board's Rules and Regulations.

Dated, Washington, D.C., April 19, 2018.

By direction of the Board:

/s/Gary Shinnars

Executive Secretary

¹ In their joint motion, the parties requested that the due date for the filing of initial briefs be set for April 13, 2018, or a date not earlier than 35-days after the date that the motion is granted. In accordance with that request, we shall provide for a 35-day period for filing the initial briefs.